

# Child Labour in India

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## ABSTRACT:

Child labour is the exploitation of children who are denied access to education. In India, one can observe many children below the poverty line engaged in labour to meet their basic needs. Child labour causes social, psychological and physical harm. Access to education is essential for children to improve their standard of living. They must be protected from involvement in hazardous industries such as fireworks and chemical production. The COVID-19 pandemic has become a significant factor contributing to the increase in child labour as the socio-economic condition has worsened. According to a new report by the International Labour Organization (ILO) and UNICEF, the number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years – with millions more at risk due to the impacts of COVID-19<sup>1</sup>. Despite numerous measures taken by the government, the number of children being employed is increasing day by day. This article tends to explain the hardships faced by child labourers, the sectors in which they are employed, legislation to prevent child labour and its effects.

**KEYWORDS:** Child labour, Children, Industries, Exploitation, International Labour Organization, Fireworks, Hazardous, Employment.

## INTRODUCTION:

“There is no greater violence than to deny the dreams of our Children.”

### -KAILASH SATYARTHI

Childhood is meant for dreams and play, not for hard work. However, in India, poverty is a significant issue that directly contributes to child labour. One can observe Indian roads abounded with children selling books, stationery etc. to survive. The Indian Government has taken several measures to eradicate child labour. The younger generation is the country's future, yet child labour stands as a barrier to its growth. Major reasons for child labour include poverty, denied access to education, underemployment, natural disasters and lack of awareness about child labour. Children are engaged in hazardous industries which is a concerning issue. There are circumstances in which children are engaged in illegal activities that can destroy their lives. Even though measures have been taken, few industries still employ children, violating the statutes. Child labour is a widespread issue that is found worldwide. Actions are taken against those

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<sup>1</sup> Child labour rises to 160 million – first increase in two decades; [https://www.unicef.org/press-releases/child-labour-rises-160-million-first-increase-two-decades#:~:text=NEW%20YORK%2FGENEVA%2C%2010%20June,Organization%20\(ILO\)%20and%20UNICEF.](https://www.unicef.org/press-releases/child-labour-rises-160-million-first-increase-two-decades#:~:text=NEW%20YORK%2FGENEVA%2C%2010%20June,Organization%20(ILO)%20and%20UNICEF.)

who employ children violating the norms but the prevalence of child labour couldn't be diminished. There is a necessity for the elimination of child labour for the promising future of India.

This study, therefore explored the reasons for child labour, steps taken to eradicate the same, effects of such measures, the impact of COVID-19 on child labour and existing conditions.

### **CHILD LABOUR IN INDIA:**

The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

- **(INTERNATIONAL LABOUR ORGANIZATION) ILO<sup>2</sup>.**

As per Census 2011, the total child population in India in the age group (5-14) years is 259.6 million. Of these, 10.1 million (3.9% of the total child population) are working, either as 'main workers' or as 'marginal workers'. In addition, more than 42.7 million children in India are out of school<sup>3</sup>.

The incidence of child labour in India has notably decreased by 2.6 million between 2001 and 2011. Exploring the factors that contributed to this decline and understanding the remaining challenges is essential for formulating effective strategies to eradicate child labour.

### **M.C. MEHTA v. STATE OF TAMIL NADU AND OTHERS.,**

M.C. Mehta filed a public interest litigation in the Supreme Court of India, addressing the employment of children in the match industry in Sivakasi. This case provided directions on the ways to curb child labour in the country<sup>4</sup>.

According to a brief from the **INTERNATIONAL LABOUR ORGANISATION (ILO)**, which may refer to a specific report, COVID-19 is expected to lead to an increase in poverty and directly influence the rise in child labour<sup>5</sup>. Therefore after the pandemic, there is an upsurge in child labour. Child labour could be eliminated only by reducing the poverty rate in the country. The households use child labour as a tool to live through poverty. In a way, overpopulation is a reason for child labour as it leads to poverty and unemployment. In India, the rural population is comparatively higher than the urban population. Thus there is a need for social awareness about child labour among the rural population. Child labour is not recognized as a problem among the rural population as they consider it as a means to satisfy their necessities. Rural people engage their children in various jobs to satisfy their means which results in dropouts or denial of education. Child labour can be used as a means to live through poverty but it does not help the family to upgrade their living standards in any way as it curtails the children from being educated. The rural population engages their children in hazardous industries without knowing the consequences. Elimination of child labour is necessary for the social and economic welfare of the country.

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<sup>2</sup><https://www.ilo.org/ipec/facts/lang-en/index.htm#:~:text=The%20term%20%E2%80%9Cchild%20labour%E2%80%9D%20is,harmful%20to%20children%3B%20and%20For>

<sup>3</sup>[https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new\\_delhi/documents/publication/wcms\\_557089.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_557089.pdf)

<sup>4</sup> 1991 AIR 417

<sup>5</sup><https://www.unicef.org/press-releases/covid-19-may-push-millions-more-children-child-labour-ilo-and-unicef#:~:text=According%20to%20the%20brief%2C%20COVID,every%20available%20means%20to%20survive>

**TYPES OF CHILD LABOUR:**

Child labour can be identified in different forms in the Country. Such as

**Bonded child Labour:**

Bonded labour is otherwise known as debt bondage. Employment of children against the debt, loan or other obligation incurred by their families. In many situations, the ID proof and essential documents of the children are seized by the employer. Bonded Labour System ( Abolition ) Act of 1976 was passed to eradicate such labour. Despite being prohibited, bonded labour is nevertheless used in the nation.

**Domestic Child Labour:**

**ILO Convention No.189** defines “domestic work” as work performed in or for a household or households and “domestic worker” as any person engaged in domestic work within an employment relationship. Children are engaged in household chores of an employer as they don’t possess other skills to earn. This type of labour is often concealed and hard to find as it is connected with social and cultural patterns.

**Industrial Child Labour:**

In India, children are mainly engaged in industrial sectors. There are many legislations passed by the India Government that prohibit children below 14 years to be employed in hazardous industries. Children are employed in industries such as garment, brick kilns, unorganised sectors, agriculture, fireworks etc.

**Bandhua Mukti Morcha v. Union of India and others.,**

The lawsuit alleged that children under fourteen were working in the Uttar Pradesh carpet industry, and investigations confirmed that many children, especially from Bihar and SC/ST backgrounds, were indeed employed as carpet weavers. The Supreme Court determined that the State had a responsibility to ensure socio economic justice for these children and to create opportunities and assistance for their proper and healthy development, emphasizing the importance of supporting a child's overall personality growth<sup>6</sup>.

**REASONS FOR CHILD LABOUR:**

There are several reasons that directly and indirectly influence child labour. They are

**POVERTY :**

**‘Without a doubt, the biggest factor pushing kids into the workforce is poverty’.**

When the families couldn’t afford the necessities such as food, clothing and shelter, they have no other option but to send their children to work to satisfy their basic needs. Poverty plays a vital role in child labour. Children are denied access to educational institutions. The promising future of the children has collapsed.

Child labour and poverty are inevitably bound together and if you continue to use the labour of children as the treatment for the social disease of poverty, you will have both poverty and child labour to the end of time.

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<sup>6</sup> 1984 AIR 802

**- Grace Abbott**

Poverty and child labour are vicious circle, without solving one, we cannot eradicate the other. Due to poverty children are even engaged in hazardous industries. Which makes the lives of the children even worse. We could see people persuade children to seek charity. Overpopulation and underemployment are the paramount reasons for poverty.

In **M.C. MEHTA v. STATE OF TAMIL NADU AND OTHERS**, the Supreme Court recognised poverty as a primary cause of child labour. The court opined that until a way of alternative income is assured to those families, child labour could not be reduced effectively.

**DENIED ACCESS TO QUALITY EDUCATION:**

**‘Access to education is the utmost important factor.’**

Families need to send their kids to school to improve their chances of finding better jobs that will allow them to support the family and maintain their standard of living. The dropout rates are still higher in the country, mostly among the rural population as they send their children to work to provide basic necessities. Quality education must be provided for the children rather than engaging them in hazardous industries. Keeping them uneducated badly affects the economic condition of the country. In order to achieve a better economic condition, the younger generation must be provided with quality education. Awareness about quality education must be made among the rural population. Schools must be established with a curriculum designed based upon the population and it should be affordable for the rural class.

**NATURAL DISASTERS AND CLIMATIC CONDITIONS:**

**‘Climatic change and natural catastrophes are crucial factors causing poverty.’**

Farmers are the most affected class of people because of climate changes and natural disasters as farming land and crops are being destroyed, people struggle to make a livelihood and send their children to work with no other option left. Rural populations rely upon seasonal occupations and are heavily impacted by soil erosion, severe weather, altered rainfall patterns and water scarcity.

For instance, cyclone Asani, a powerful tropical cyclone struck India in May 2022, emerging as the most potent storm during the 2022 North Indian Ocean cyclone season. The cyclone has affected nearly 30,225 crops<sup>7</sup>.

**LACK OF AWARENESS ABOUT CHILD LABOUR :**

**‘Thinking employment is necessary for the development of children’s character and skill.’**

When the families do not understand the consequences of child labour they are likely to send their children to work. When compared to urban areas the rural population have less knowledge about the aftermath of child labour. Campaigns must be conducted in rural areas so that people can learn about child labour and its effects. Sometimes social beliefs and norms can also influence people to send their children to work. Any kind of advertisement could be used to educate the public about the realities of child labour.

**UNDEREMPLOYMENT:**

**‘People working unwillingly for less pay in a low-skill job.’**

Many people are underemployed, meaning they work at jobs that require less skill than they are capable

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<sup>7</sup>[https://en.wikipedia.org/wiki/Cyclone\\_Asani](https://en.wikipedia.org/wiki/Cyclone_Asani)

of and are paid less for it. Thus they could not provide for their own families. Because of this type of work, families are compelled to send their children to work, which has an impact on the child's future. Children being dropouts are denied access to decent work which worsens the situation.

These are the crucial factors that force families to send their children to work denying them the right to education.

### **ILO [INTERNATIONAL LABOUR ORGANISATION] AND CONSTITUTION OF INDIA:**

- Article 2 of the **ILO Convention No.182** states that the term “child” shall apply to all persons under the age of 18<sup>8</sup>.

According to **Article 24 of the constitution of India:**

- Children below the age of 14 years cannot be employed in any factory, mine or hazardous work.
- The constitution mandates that children of 14 years must be provided free and compulsory education<sup>9</sup>.

### **LEGISLATION AND SCHEMES:**

#### **1. Child & Adolescent Labour ( Prohibition & Regulation )Act,1986.**

This Act prohibited the employment of children in all types of occupations and the involvement of adolescents in hazardous occupations.

- Children below 14 years old should not be employed.
- Adolescents (14-18) should not be involved in hazardous industries.
- Children are prohibited from being employed in 57 jobs and 13 activities.
- Employers who engage children in work in violation of this Act shall be punishable with imprisonment not less than six months which may extend up to 2 years, or with a fine not less than twenty thousand rupees which may extend up to fifty thousand rupees, or with both<sup>10</sup>.

#### **2. National Child Labour Project (NCLP)Schemes.**

NCLP scheme was introduced by the Ministry of Labour and Employment of India in 1988 to rejuvenate children aged between 9 years and 12 years. This scheme has been implemented in over 312 districts in 21 states. The objective of this project is to identify children engaged in hazardous work and rescue them. They provide non-formal education, vocational training and a stipend of 150 rupees for each child per month. It is observed that this scheme has rehabilitated 1.2 million children approximately<sup>11</sup>.

### **LIST OF GOVERNMENT CHILD EDUCATION PLANS:**

#### **1. Sarva Shiksha Abhiyan (SSA)**

This programme was introduced by the Indian Government to universalize elementary schooling within a limited time. It aimed to educate children between the ages of 6 and 14 by 2010. However, the deadline has been moved forward indefinitely<sup>12</sup>.

<sup>8</sup> Convention no. 182, year 1999 International Labour Organisation

<sup>9</sup> See Article 24 of Constitution of India,1950

<sup>10</sup> Child & Adolescent Labour ( Prohibition & Regulation )Act,1986.

<sup>11</sup> <https://labour.gov.in/childlabour/nclp>

<sup>12</sup> <http://www.ssa.nic.in/>

## 2. Rashtriya Madhyamik Shiksha Abhiyan (RMSA)

RMSA was initiated by the Ministry of Human Resource Development in March 2009 to develop secondary education in Government schools throughout India. It aimed to increase the enrollment rate to 75% in five years (from 2009 to 2014). This scheme enhanced the establishment of secondary schools and the construction of additional classrooms and science laboratories<sup>13</sup>.

## 3. Mid-Day Meal Scheme

Mid-day Meal Scheme was introduced for the nutritional betterment of school-age children. Under this scheme, free lunches are supplied to government primary and upper primary schools on working days so that no child remains hungry. This scheme has been implemented in over 11.20 lakh schools serving 11.80 crore children<sup>14</sup>.

## Krishnaraj v. The Principal Secretary 2016.,

The Madras High Court emphasized in this case how important the midday meal program is to lowering child labour. On July 1, 1982, the Tamil Nadu government started executing the "Noon Meal Scheme." The Court emphasized that it made it possible for people with less education to collaborate with the government, the Department of Social Welfare, and the Nutritious Meal Programs on a combined salary/daily pay amount. It continued by saying that its primary objective was to aid in the education of kids from underprivileged and marginalized social groups and neighbourhoods. To achieve the goals mentioned in Article 24, it was also intended to address problems like child labour, which had afflicted the country both before and after independence<sup>15</sup>.

## 4. Beti Bachao Beti Pado (BBBP)

Beti Bachao Pado (BBBP) is a campaign launched by the Ministry of Women & Child Development. The objectives of this program are to ensure the survival, participation, education and protection of girl children<sup>16</sup>.

## 5. Sukanya Samriddhi Yojana (SSY Scheme)

SSY scheme was initiated to motivate parents to make a fund for the future educational purpose of the girl child. Currently, 8.0% interest is given under this scheme. An account can be opened in any Indian post office or authorized commercial bank<sup>17</sup>.

## 6. Balika Samriddhi Yojana

Balika Samriddhi Yojana was initiated in the year 1997. Girl children born after August 15, 1997, can claim benefits under this scheme. This scheme was introduced to provide financial assistance to girl children<sup>18</sup>.

<sup>13</sup> <https://www.education.gov.in/rmsa>

<sup>14</sup> <https://pmposhan.education.gov.in/>

<sup>15</sup> <https://indiankanoon.org/doc/113015297/>

<sup>16</sup> <https://wcd.nic.in/bbbp-schemes>

<sup>17</sup> <https://www.bankbazaar.com/saving-schemes/sukanya-samriddhi-yojana-account.html#:~:text=It%20offers%20one%20of%20the,8.0%25%20which%20is%20compounded%20annually.>

<sup>18</sup> [https://megsocialwelfare.gov.in/icds\\_balika.html](https://megsocialwelfare.gov.in/icds_balika.html)

## 7. Ladli Scheme

This scheme was initiated in the year 2006. The families consisting of only a girl child are assisted with allowance i.e rupees 300 per month per family.

These are schemes and campaigns initiated by the Indian Government that help the people below the poverty line to educate their children<sup>19</sup>.

## OTHER LEGISLATIONS:

Other legislation specifically protects children from being employed in harmful work. They are

### **The Factories Act of 1948:**

- Sec. 67 states that no children below the age of 14 years shall be allowed to work in a factory.
- Sec. 68 permits the employment of children who have completed the age of 14 years or an adolescent with a certificate of fitness
- Restrictions as to working hours are prescribed under this Act<sup>20</sup>.

Labourers work on **Salal hydro-electric project v. State of Jammu & Kashmir and Others (1983)**., The bench of Justices P. N. Bhagwati and R. B. Misra held that no contractor or subcontractor on any factory in the projects may employ a child under the age of fourteen. If a contractor or subcontractor uses underage labour, they must immediately give prompt instructions for their break and submit a summary report outlining the consequences<sup>21</sup>.

### **The Mines Act of 1952:**

Under sub-section (2) of Section 40 no one below the age of 18 years must be employed in mines. Mining is strenuous work involving heavy tools and equipment which is dangerous. Therefore involving children in such work amounts to a huge risk to their lives<sup>22</sup>.

### **The Juvenile Justice (child and protection) of Children Act of 2000:**

Sec.26 states that anyone who supposedly hires a minor or child for a potentially dangerous job keeps them in servitude, withholds their wages, or makes use of them. Earning for personal gain is a crime that carries a maximum sentence of three years in prison and a potential fine<sup>23</sup>.

### **The Right of Children to Free and Compulsory Education Act 2009 :**

Free and compulsory education in a nearby school till the completion of elementary school to children of the age between six and fourteen years is provided under Sec.3 of this Act. Educating children results in the betterment of their careers<sup>24</sup>.

The Supreme Court ruled in **TMA Pai Foundation v. Union of India (2002)** that providing educational opportunities for children is a fundamental responsibility of parents or guardians. To codify this progress in education and acknowledge it as a fundamental right, the Parliament passed the Right of Children to

<sup>19</sup> <https://socialjusticehry.gov.in/ladli-social-security-allowance-scheme/>

<sup>20</sup> See Section 67 and 68 of The Factories Act, 1948.

<sup>21</sup> 1984 (1) SCALE 680

<sup>22</sup> See section 40 of the mines act, 1952

<sup>23</sup> See section 26 of The Juvenile Justice (child and protection) of Children Act, 2000

<sup>24</sup> See Section 3 of The Right of Children to Free and Compulsory Education Act, 2009

Free and Compulsory Education Act of 2009, which requires free and mandatory education for all children aged 6 to 14<sup>25</sup>.

### **PANDEMIC AND CHILD LABOUR:**

COVID-19: Reversing the Situation of Child Labour is the title of the quick survey that was released by Campaign Against Child Labour (CACL) State Convenor R. Karuppusamy. The State's North, South, and Eastern districts had seen a sharp rise in the number of child labour cases, according to a study done across 24 districts. In September and November 2020, children in the age range of six to eighteen were interviewed for the survey. It was observed in the survey that child labour has increased by 280%. Mr Karuppusamy stated that “ Children from Scheduled Caste and Scheduled Tribes and those from lower economic background had to work to financially support their families during the pandemic.” Approximately 18.6% of the children surveyed stated that they frequently experience verbal, psychological, and physical abuse from their employers. Children received wages per day ranging from ₹ 100 to ₹ 400, depending on their age. As per the survey, over 94% of children stated that they were forced to enter the workforce due to family pressure and the domestic economic crisis<sup>26</sup>.

### **CONCLUSION:**

Child labour in India is a deeply entrenched issue, stemming from poverty, limited access to education, and societal norms. Despite legislative efforts and initiatives like the Child & Adolescent Labor Act and Sarva Shiksha Abhiyan, children are still exploited in hazardous industries and domestic work, perpetuating cycles of poverty. The Supreme Court has emphasised the state's duty to ensure socio-economic justice and opportunities for proper development. However, the COVID-19 pandemic worsened the situation, forcing more children, especially from marginalised communities, to work due to economic hardships. To eradicate child labour, addressing root causes like poverty and lack of education is vital. This requires enforcing laws, promoting education, raising awareness, and implementing programs to uplift impoverished families. Ultimately, the goal is to secure children's right to a proper childhood and education.

<sup>25</sup> TMA PAI Foundation Vs State Of Karnataka (2002) 8 SCC 481

<sup>26</sup> <https://www.thehindu.com/news/cities/Madurai/child-labour-increased-during-covid-19-survey/article34054623.ece>